

United States District Court

for the

Eastern District of Pennsylvania

May 7, 2010

U.S.A. vs. Robert Austin

Case No. 2:07CR00651-1

VIOLATION OF SUPERVISED RELEASE

COMES NOW Gordon W. Thomas U.S. PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Robert Austin who was placed on supervised release by the Honorable Gene E. K. Pratter sitting in the Court at Philadelphia PA, on the 18TH day of March, 2009 who fixed the period of supervision at four years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

ORIGINAL OFFENSE: Possession with intent to distribute cocaine within 1,000 feet of a school and aiding and abetting (Count Two); possession of a stolen firearm (Count Three).

ORIGINAL SENTENCE: Six months' custody of the U.S. Bureau of Prisons, with credit for time served, to be followed by four years' supervised release on Count Two, and three years' supervised release on Count Three, such terms to run concurrently. A special assessment in the amount of \$200.00 was imposed.

SPECIAL CONDITIONS: (1) The defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income; (2) The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with any payment schedule for his fine obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine obligation or otherwise has the express approval of the Court; and, (3) The defendant is to pay a fine in the amount of \$500.00, to be paid at the rate of \$100.00 per month, beginning in 30 days.

DATE SUPERVISION
COMMENCED:

March 18, 2009.

RE: Austin, Robert

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The above probation officer has reason to believe that the supervised releasee has violated the terms and conditions of his supervision under such circumstances as may warrant revocation. These conditions are:

- A. Standard Condition: While on supervised release, you shall not commit another federal, state or local crime.

On August 30, 2009, Robert Austin was arrested by officers of the Philadelphia Police Department, 12th District, and charged with the felony offense of aggravated assault, along with three misdemeanor offenses, specifically, simple assault, recklessly endangering another person, and resisting arrest. According to the arrest report and criminal complaint, it is alleged that Mr. Austin was observed recklessly operating a red and white Yamaha all terrain vehicle (ATV) in the 7200 block of Greenway Avenue in Philadelphia. The report notes that the offender stopped on a grassy, uphill lawn, and when he observed the police approaching, he turned his ATV on and attempted to charge the police head on with the ATV. The police had to turn their marked vehicle to avoid collision. Mr. Austin then fled the location, but was later apprehended. During his apprehension, a scuffle ensued and Mr. Austin threw several wild punches with his closed fist, striking the police in the chest and stomach area, while pushing and resisting arrest. On August 31, 2009, Mr. Austin was arraigned and a monetary bail was set at \$50,000, secured. On February 4, 2010, Mr. Austin was released from custody pending trial.

On March 31, 2010, the defendant appeared in Philadelphia County Court, before the Honorable Daniel J. Anders and entered a plea of Nolo Contendere to three misdemeanor charges: simple assault, recklessly endangering another person, and resisting arrest. He was sentenced to a total of four years probation, and ordered to perform thirty hours of community service within the first two years of probation.

GRADE OF VIOLATION

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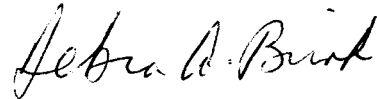
RE: Austin, Robert
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PRAYING THAT THE COURT WILL ORDER...

**THE ISSUANCE OF A
SUMMONS DIRECTING THE
NAMED SUPERVISED
RELEASEE TO APPEAR AT A
REVOCATION HEARING.**

I declare under penalty of perjury
that the foregoing is true and correct.

Respectfully,



Debra A. Brink
Supervising U.S. Probation Officer

Place: Philadelphia, PA


Date: May 7, 2010

GWT

cc: Assistant U.S. Attorney
Defense Attorney
Defendant

ORDER OF THE COURT

Considered and ordered this 17th
day of May, 2010, and ordered
filed and made part of the records in
the above case.



U.S. District Court Judge

cc: Probation (2)